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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 9, 1999

APPLICATION OF

NOW COMMUNICATIONS OF VIRGINIA, INC.

CASE NO. PUC990060

For a certificate of public
convenience and necessity
to provide local exchange
telecommunications services

ORDER FOR NOTICE AND HEARING

On April 15, 1999, NOW Communications of Virginia, Inc. ("NOW" or "Applicant"), filed an application for a certificate of public convenience and necessity ("certificate") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia. NOW's application was completed by supplemental filings of May 25 and July 30, 1999.

UPON CONSIDERATION of the filing the Commission is of the opinion that NOW's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report; and that a public hearing should be convened to receive evidence relevant to NOW's application.

Accordingly, IT IS THEREFORE ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUC990060.

(2) A public hearing for the purpose of receiving evidence relevant to NOW's application is scheduled for October 13, 1999, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

(3) On or before September 3, 1999, the Applicant shall complete publication of the following notice, which may be published on one occasion as classified advertising, in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION
BY NOW COMMUNICATIONS OF VIRGINIA, INC., FOR
A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES THROUGHOUT THE
COMMONWEALTH OF VIRGINIA
CASE NO. PUC990060

On July 30, 1999, NOW Communications of Virginia, Inc. ("NOW" or "Applicant"), completed the filing of an application for a certificate of public convenience and necessity ("certificate") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

In its application, NOW states that it is a non-facilities based reseller that proposes to offer its customers prepaid monthly recurring, flat-rate local exchange service, including extended area service, toll restriction, call control options, tone dialing, custom calling services, and other services available on a resale basis from the underlying incumbent local exchange carriers. This proposed service would be

priced higher than comparable local telephone service provided by the incumbent local exchange carrier.

In order to provide this prepaid month-to-month service, NOW requests a waiver of Rule C 5 and of certain provisions of Rule C 1 of the Commission's Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules") requiring a new entrant, either directly or through arrangements with others, to provide access to directory assistance, access to operator services, equal access to interLATA long distance carriers and access to intraLATA service to all local exchange customers. The Applicant further requests a waiver of Rule D 3 of the Local Rules, 20 VAC 5-400-180, limiting the proposed rate for service provided by the new entrant not to exceed the highest of the comparable tariffed services provided by the incumbent local exchange telephone company or companies in the same local serving areas.

A public hearing on NOW's application will be convened on October 13, 1999, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to its application for a certificate to provide local exchange services.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m. in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or can be ordered from NOW's counsel, R. Scott Seab, Esquire, 711 South Tejon Street, Suite 201, Colorado Springs, Colorado 80903.

Any person desiring to comment in writing on NOW's application may do so by directing such comments on or before

September 27, 1999, to the Clerk of the Commission, at the address listed below. Written comments must refer to Case No. PUC990060.

Any person desiring to make a statement at the public hearing concerning NOW's application need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceedings as a Protestant, pursuant to Rule 4:6 of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for full details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning NOW's application should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUC990060.

NOW COMMUNICATIONS OF VIRGINIA, INC.

(4) On or before September 3, 1999, Applicant shall give notice of its application to each local exchange telephone carrier certificated in Virginia by personal delivery or by

first-class mail, postage prepaid, to the customary place of business or residence of the person served. A current list of those carriers and their addresses is attached as Appendix A.

(5) On or before September 3, 1999, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(6) Any person desiring to comment in writing on NOW's application may do so by directing such comments on or before September 27, 1999, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Comments must refer to Case No. PUC990060. Any persons desiring to make a statement at the public hearing concerning the application need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(7) On or before September 27, 1999, any person desiring to participate as a Protestant as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) and shall serve a copy of the same on NOW's counsel, R. Scott Seab, Esquire, 711 South Tejon Street, Suite 201, Colorado Springs, Colorado 80903.

(8) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before September 27, 1999, an original and fifteen (15) copies of its Protest with the Clerk of the Commission at the address listed above, referring to Case No. PUC990060, and shall on the same day mail a copy thereof to NOW's counsel, R. Scott Seab, Esquire, 711 South Tejon Street, Suite 201, Colorado Springs, Colorado 80903, and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules.

(9) On or before September 27, 1999, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing, and shall on the same day mail a copy of the same to counsel for NOW and other

Protestants. Service upon counsel for NOW shall be made at the address set forth above.

(10) The Commission Staff shall analyze the reasonableness of NOW's application and present its findings in a Staff Report to be filed on or before October 1, 1999.

(11) On or before October 1, 1999, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff direct testimony shall be mailed to the counsel for the Applicant and to each Protestant.

(12) On or before October 8, 1999, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(13) At the commencement of the hearing scheduled herein, NOW shall provide to the Commission proof of the notice and service required by ordering paragraphs (3) and (4) herein.

(14) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Protestants shall provide to the Applicant, other Protestants and Staff any workpapers or documents used in

preparation of their prefiled testimony, promptly upon request.
Except as so modified, discovery shall be in accordance with
Part VI of the Rules.

